

June 30, 2019

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street SW
Washington, DC 20554

Filed Electronically via ECFS

CC Docket No. 02-6

RE: Appeal - Request for Reconsideration of Decision and Waiver of Commission Rules

Organization: United Systems, Inc
5700 N Portland, Suite 201
Oklahoma City, OK 73112
Contact: Alvin Myers
E-mail: amyers@unitedsystemsok.com
Phone: 405-778-8305
Fax: 405-523-2185
Title: President/COO
SPIN: 143004698

Applicant: Seiling Indep School Dist 8
BEN: 139942
Form 471: 171037046
FRN: 1799087372

Decision being appealed: FCC Dismissal of Request for Reconsideration and Waiver of Rules for Invoice Deadline Extension

Dear Secretary Dortch,

United Systems, Inc respectfully submits this request in accordance with the procedure designated by the Commission and after following suggested prior remedies.

Reason for Request

An FCC Request for Reconsideration of Decision and Waiver of Commission Rules was submitted on April 27, 2019 and was dismissed by the Commission in Public Notice DA 19-482

dated May 31, 2019. The reason for dismissal was identified as “...failure to identify any material error, omission, or reason warranting reconsideration, and rely on arguments that have been fully considered and rejected by the Bureau within the same proceeding”.

We are filing this new Request for Reconsideration because we do have new information to present that demonstrates extraordinary circumstances, a FEMA Major Disaster Declaration, relative to the Applicant site that this funding and invoicing is associated with.

New Information Demonstrating Extraordinary Circumstances

The Applicant, Seiling Indep School Dist 8, physically resides in Seiling, Oklahoma which is in Dewey County Oklahoma. Between the dates of April 11, 2018 and April 20, 2018, significant and disastrous wildfires occurred in this area. Homes, businesses and public buildings were damaged and/or destroyed, and lives were lost. Electrical power and other utilities were also knocked out by these fires for an extended period of time, which disrupted commerce and normal work activity. Subsequently, a Major Disaster Declaration was made by President Trump on June 25, 2018 via FEMA DR-4373 (attached). We are including in our attachments a document that confirms the location of Seiling Schools as being in the area identified by the Disaster Declaration.

This tragic event and Declaration are relative to this request because they occurred in the middle of the Implementation and Invoicing timeline for the associated FRN. This event delayed both the implementation of USAC-SLD services and the overall construction project for the building where the implementation was to occur. The building construction project was delayed over six months. This factored into the completion timeline for the overall project which did impact final invoicing.

The Commission has provided relief in the past for areas impacted by Disaster Declarations, through extended filing dates and even reopened filing windows. We would suggest that this request presents a similar circumstance and would warrant the same treatment.

Background

United Systems, Inc delivered eligible and funded, products and services to the Applicant prior to the Services Delivery Deadline of 09/30/2018, in accordance with USAC-SLD Program Rules. These products and services were a small portion of a larger new school construction project that was significantly delayed. In addition, the construction project dictated progress invoicing for elements of the project that were not related to USAC-SLD Funding. Progress invoicing uses a percentage of completion approach to requests for payment and does not list detailed product or services. The projects and operations team who was responsible for progress invoicing of the overall project did not realize that there was a separate USAC-SLD invoicing component that had a strict deadline and required detailed invoicing. On February 20, 2019,

final invoicing for the overall project was being reviewed by the projects, operations and accounting team for our company. At this time the discovery of the failure to invoice USAC-SLD for the eligible and funded components was made. When this discovery was made, we were past the Invoice Deadline of January, 28, 2019 by 22 days. Our accounting team immediately contacted the Client Services Bureau at USAC-SLD to receive guidance on how to resolve this issue. They were advised that the only option was to file an FCC Appeal for Waiver of Commission Rules. This action was taken immediately, and on March 29, 2019, a decision of Denied was issued related to our request.

We then filed a Request for Reconsideration and Waiver with the Commission on April 27, 2019. This request received a decision of Dismissed on May 31, 2019, which has led to this Request for Reconsideration which contains new and substantial information.

United Systems, Inc has been a Service Provider participating in the USAC-SLD USF program since the program's inception. During this long period, we believe there has only been one other request by us for a Waiver of the Rules, and that was due to circumstances outside of our control. We only mention this to exhibit that we take great measures internally to meet deadlines, request extensions of the deadlines and comply with rules of the program, and, generally be good stewards of the program.

We would also like to request that consideration is given to the minimal number of days (22) that we were past the Invoicing Deadline before discovering the error and trying to rectify it.

The products and services that we are unable to receive payment for due to the Invoice Deadline had to be purchased, they are not items we manufacture. Therefore, the costs associated to them present a true negative financial impact to us. The USAC-SLD program has continued to promote competitive bidding, which means that we have limited profit margins in this and all other USAC-SLD projects. There is no way for us to just absorb these costs without it being detrimental to our company.

Closing Statement

A Waiver of Commission Rules is needed to allow valid and eligible products and services, that were delivered to the Applicant by the Services Delivery Deadline, to be submitted to USAC-SLD Invoicing.

We believe that the extraordinary circumstances presented by the events that constituted the Disaster Declaration, and the Disaster Declaration itself, provide valid support for this Request for Reconsideration and Waiver of the Rules.

We respectfully request that the Waiver is granted with an invoice deadline extension date that would allow the invoice to be submitted and processed. A copy of the invoice that needs to be

submitted to USAC-SLD is attached for your reference. It has been submitted to the Applicant and they have paid their portion within the required timeframe.

Thank you for your consideration of our request.

Sincerely,



Alvin Myers
President and Chief Operating Officer

Attachments:

Initial FCC Appeal Filing

Initial FCC Request for Reconsideration and Waiver

FEMA DR-4373 Major Disaster Declaration

Presidential Announcement of Disaster Declaration

Seiling Schools Location and County

United Systems Invoice for Services